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10/783,498	02/20/2004	Li-Shyue Lai	TSM03-0199	7579
43859 7590 08/29/2007 SLATER & MATSIL, L.L.P. 17950 PRESTON ROAD, SUITE 1000 DALLAS, TX 75252			EXAMINER CAO, PHAT X	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

1. In response to Applicant's request for clarifying the rejection as being anticipated under 102(e) over Rodgers, claims 1-5 and 7 are only rejected but not claims 29, 33, and 35.

2. Applicant argues that if the phase change material portion 37 formed within the trench is considered as "a layer of a phase change material" then the electrode 38 will no longer be "in contact with the phase change material layer" as required by claim 1.

This argument is not persuasive because of the following reasons:

First, the electrode 38 is "in contact with the phase change material layer" because the phase change material portion 37 formed within the trench is in electrical contact with the electrode 38.

Second, if "an electrode" is alternatively interpreted as a combination of a conductive portion 37 formed above the trench and a conductive layer 38 then Rodgers's Fig. 3G does suggest "an electrode" is in physically contact with the phase change material 37 formed within the trench.

3. Applicant argues that the electrode 38 of Rodgers does not "extending away from a substantially planar top surface of the phase change material layer" as required by claim 29 because the second phase change material is located between the electrode 38 and the first phase change material 37 formed within the trench.

It appears to be that Applicant argues that Rodgers does not suggest the electrode 38 is in physically contact with the phase change material 37 formed within the trench because of the second phase change material located between of them. However, this argument is not persuasive because the limitation of having the electrode in physically contact with the phase change material is not required by the claim language.

4. Regarding to the rejection of Lung, Applicant argues that the top surface of the phase change material layer 900 is not “substantially planar” as required by claim 1.

This argument is not persuasive because the top plan view shown in **Fig. 12** shows the top surface of the phase change material layer 900 is “substantially planar”.

/P. X. C./

/Phat X Cao/

Primary Examiner, Art Unit 2814